

ESTTA Tracking number: **ESTTA349268**

Filing date: **05/24/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190654
Party	Plaintiff OMS Investments, Inc.
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Date	05/24/2010
Attachments	5-24-2010 Opposer's Notice to Board.pdf ( 3 pages )(50678 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 77/520,947  
Published in the *Official Gazette* on December 16, 2008  
Mark: SHAKE-N-GROW

OMS Investments, Inc.	)	
	)	
Opposer,	)	Opposition No. 91190654
	)	
v.	)	
	)	
Hidden Creations,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S NOTICE TO BOARD RE APPLICANT’S AMENDED NOTICE FOR  
EXTENSION FILED APRIL 27, 2010**

On May 20, 2010, the Interlocutory Attorney issued in Order in this proceeding stating, among other things, that “Applicant’s amended motion for extension, filed April 27, 2010, is noted, and will be addressed in the Board’s order on opposer’s motion to suspend.” *See* Order dated May 20, 2010 at 3.

Opposer OMS Investments, Inc. (“Opposer”) files this Notice to refer the Board to the following facts:

- On April 27, 2010, applicant Hidden Creations’ (“Applicant”) filed an Amended Request for 30 Day Extension of Time to respond to Opposer’s discovery;
- On April 30, 2010, Applicant served responses to Opposer’s discovery, copies of which were also filed with the Board on April 30, 2010.

Because Applicant served responses to the discovery three days after Applicant had moved the Board to extend responses thereto, Opposer considered Applicant’s Amended Request

for Extension filed on April 27, 2010, moot and did not respond accordingly. If the Board considers Applicant's Amended Request for Extension filed on April 27, 2010, to be an active motion despite responses served by Applicant, Opposer respectfully requests an opportunity to respond accordingly.

Dated: May 24, 2010

Respectfully submitted,

By: 


Susan Hollander  
Shannon S. King

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*Attorneys for Opposer OMS Investments, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Notice To Board has been properly served, via email addressed to [gailhiddencreations@comcast.net](mailto:gailhiddencreations@comcast.net) and [hiddencreations@comcast.net](mailto:hiddencreations@comcast.net) on this 24th day of May, 2010.

  
Shannon S. King

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